(2)

No. 99-1946

Supreme Court, U.S.
FILED
JUL 6 2000
OFFICE OF THE CLERK

In The

Supreme Court of the United States

EDWARD CHEN, ET AL.,

Petitioners,

v.

CITY OF HOUSTON, ET AL.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

BRIEF IN OPPOSITION

C. ROBERT HEATH
Counsel of Record
AMY WARR
STEVE BICKERSTAFF
BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P.
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701
(512) 472-8021

Counsel for Respondents

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

22pp

TABLE OF CONTENTS

Page

Table of Authorities iii

Statement of the Case 1

Reasons for Denying the Writ 5

I. The summary judgment in favor of the city on the *Shaw v. Reno* claim presents no issue that justifies the exercise of this Court's certiorari jurisdiction 5

A. The effect of Chen's argument is to urge this Court to abandon principles it established in *Miller v. Johnson* and to ignore the carefully and deliberately limited language of *Hunt v. Cromartie* 6

B. Chen is asking this Court to invoke its certiorari jurisdiction to analyze the record and determine if he presented sufficient facts to avoid summary judgment 7

II. The Court should not exercise its certiorari jurisdiction to address Chen's argument that the Constitution requires that children and non-citizens be excluded from the one person-one vote calculation 9

A. This Court has previously determined that the decision to include or to exclude non-citizens when measuring equality of district size is a question that is appropriately left to the legislative body 10

B. Redefining the one person-one vote calculation to exclude children and non-citizens raises serious practical problems 11

TABLE OF CONTENTS – Continued

Page

III. The underpopulation of predominantly minority districts within the range that has been recognized as *de minimis* does not present an issue that should invoke the exercise of this Court's certiorari jurisdiction. 14

A. Chen did not fully develop this issue in the district court 14

B. The issue of deliberately underpopulating predominantly minority districts to compensate for the census undercount is unlikely to occur in the future 15

Conclusion 17

TABLE OF AUTHORITIES

Page

CASES

Brown v. Thompson, 462 U.S. 835 (1983) 14

Burns v. Richardson, 384 U.S. 73 (1966) 10, 13

Bush v. Vera, 517 U.S. 952 (1996) 4

Chen v. City of Houston, 206 F.3d 502 (5th Cir. 2000) . . 1, 11

Daly v. Hunt, 93 F.3d 1212 (4th Cir. 1996) 11

Department of Commerce v. United States House of Representatives, 525 U.S. 316 (1999) 16

Gaffney v. Cummings, 412 U.S. 735 (1973) 14

Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1999) 11

Hunt v. Cromartie, 526 U.S. 541 (1999), *prob. juris noted after remand*, 68 U.S.L.W. 3783-84 (June 26, 2000) 6, 7

Miller v. Johnson, 515 U.S. 900 (1995) 6, 7

Shaw v. Reno, 509 U.S. 630 (1993) 2, 4, 6, 7

Southern Power Co. v. North Carolina Public Service Co., 263 U.S. 508 (1924) 8

United States v. Johnston, 268 U.S. 220 (1925) 8

STATUTES

13 U.S.C.A. § 141(c) 11

Pub. L. 105-119, 111 Stat. 2440, § 209(j) 16

TEX. ELEC. CODE § 11.002 9

TEX. ELEC. CODE § 11.002(3) 9

TABLE OF AUTHORITIES – Continued

Page

OTHER

Bureau of the Census, Census 2000 Data Products at a Glance (Rev. 2-1-00) 12

Bureau of the Census, *Geographic Areas Reference Manual* (Nov. 1994) 13

Census Bureau Form D-61A 12

Census Bureau Form D-61B 12

Houston City Charter, art. V, § 3 1

Report of Tabulations of Population to States and Localities, 65 Fed. Reg. 38370 (June 20, 2000) 16

BRIEF IN OPPOSITION

The respondents respectfully request that this Court deny the Petition for a Writ of Certiorari to review the Fifth Circuit's decision and opinion in *Chen v. City of Houston*, 206 F.3d 502 (5th Cir. 2000).

STATEMENT OF THE CASE

The City of Houston is required to review its council districts each two years and determine if redistricting is required. Houston City Charter, art. V, § 3. Except for the major redistricting following each decennial census, these redistrictings tend to involve minor changes such as adjusting council district boundaries to conform to changes in county voting precincts and adding territory, which generally is sparsely populated, that was annexed during the prior year. In 1997, however, the city was required to undertake a much more significant redistricting. In 1996, it had annexed Kingwood, which had a 1990 population of almost 41,000 persons. Other 1996 annexations brought the population that had to be added to council districts to 45,782 persons. Doc. 57 at 386.[1] Kingwood by itself represented approximately 22 percent of

[1] Doc. ___ refers to the district court docket number for each pleading or other document filed in the case. The page number, in this case 386, comes from the page numbers assigned to that document by the district clerk in the electronic record filed with the court of appeals. Each document is separately numbered and begins with page 1. Thus, this citation is to the 386th page of Document #57.

the population of an ideally sized city council district.[2] Thus, adding Kingwood to any existing council district was certain to bring the city council districting plan out of population balance.

The city was briefed by its legal counsel on its obligations under both the *Shaw v. Reno*[3] line of cases and under the Voting Rights Act. *Id.* at 10-18, 22, *et seq.* It followed a procedure that was designed to meet both of those obligations. The city council adopted a set of criteria for the staff to follow in drawing a proposed plan. *Id.* at 285-90. These criteria, only one of which directly related to issues of race, reflected traditional districting principles including consideration of compactness and contiguity, use of identifiable district boundaries, recognition of communities of interest and neighborhoods, achieving relative population equality among the districts, using whole voting precincts as the basic building block for districts, minimizing changes from the existing plan, keeping incumbents in their historic districts, and narrowly tailoring any plan to avoid retrogression under the Voting Rights Act. *Id.*

---

[2] According to the 1990 census, the population within the City of Houston's 1997 boundaries was 1,700,473. Doc. 57 at 379. If all nine single-member council districts were equal in population, each would have 188,941 persons.

[3] 509 U.S. 630 (1993).

The overriding issue was where to put Kingwood.[4] It was, in effect, part of an "island" that was attached to the remainder of the city by long, narrow corridors such as a canal and a roadway. Pet. App. 93a. It was closest to District B, yet it was several miles from the core of that district.[5] In determining what district should receive Kingwood, the staff looked at social and economic similarities and at characteristics of the areas that affected residents' perceptions of city issues. Doc. 57 at 298-99. The plan submitted by the staff placed Kingwood in District E, thus linking the northeast and southeast portions of the city.

After the staff prepared the plan, it submitted a detailed written report showing how the plan addressed each of the criteria that had previously been adopted by the council. *Id.* at 294, *et seq.* Additionally, John Alford, a political science professor at Rice University, was retained to analyze the plan and to report to the council on how it conformed to traditional districting principles. Professor Alford concluded that the plan was an acceptable balance of traditional districting concerns. Doc. 57 at 307. He advised that the plan was not as geographically compact as might be desired; however, he noted that the

---

[4] Although Kingwood is not labeled on the map of council districts included in the Appendix to the Petition, it is the northernmost part of the city and is located in the "point" at the top of the northern portion of District E. Pet. App. 93a.

[5] The city council requested and received a report that showed the northernmost point of Kingwood was 27.34 miles from the southern part of District B and 39.28 miles from the southern part of District E. Doc. 57 at 310.

non-compact shape of the city prevented *any* district containing Kingwood from being spatially compact. *Id.* at 306-07. Thus, the lack of compactness was a function of the shape of the city and was not caused by the "block-picking" that characterized the *Bush v. Vera*[6] districts that covered much the same geographic area. *Id.*

The council reviewed the staff report and the Alford analysis, debated the proposal, and ultimately adopted the plan proposed by the staff. The plaintiffs[7] filed this suit claiming, among other things, that the plan violated the doctrine established in *Shaw v. Reno*.[8] After the end of discovery, the city[9] moved for summary judgment. The district court granted the city's motion and entered summary judgment, concluding that

> The City has presented significant evidence that the 1997 redistricting plan adopted by the

---

[6] 517 U.S. 952 (1996).

[7] There are twelve individual plaintiffs. They are referred to collectively as Chen, who is the first plaintiff listed in the style of the case.

[8] The other surviving claims relate to (1) whether an underpopulation of predominantly minority districts to account for the differential effect of the census undercount is actionable even when the deviation between districts fails within the judicially recognized *de minimis* range and (2) whether the Constitution requires the one person-one vote analysis to be performed after omitting children and non-citizens from the apportionment base. To the extent that any factual background is relevant to those issues, it is discussed in the next section under the points addressing those arguments.

[9] The defendants are the City of Houston, its mayor, and the fourteen other members of its city council. They are referred to collectively as the city.

> City Council was based on consideration and balancing of traditional districting principles including, but not dominated by, race. Despite arduous argument and evidence with certain superficial relevance proffered by Plaintiffs, the Court concludes after close analysis that Plaintiffs have failed to present evidence that raises a genuine issue of material fact regarding their allegation that race was the predominant factor in the City's 1997 redistricting plan to the substantial derogation of traditional districting principles.

Pet. App. 91a-92a. The Fifth Circuit affirmed, stating that

> The record is not such as to sustain a finding that race predominated in the City's decision-making. While the plaintiffs have created a valid *Shaw* claim, they failed to produce evidence that would have surmounted the summary judgment threshold.

Pet. App. 52a.

REASONS FOR DENYING THE WRIT

I. The summary judgment in favor of the city on the *Shaw v. Reno* claim presents no issue that justifies the exercise of this Court's certiorari jurisdiction.

This is simply a summary judgment case in which the plaintiff, Chen, failed to meet his evidentiary burden. The district court properly granted summary judgment for the city, and the Fifth Circuit, in a carefully considered opinion by Judge Garwood, properly affirmed the judgment.

Nothing presented in the petition justifies the exercise of this Court's certiorari jurisdiction.

A. The effect of Chen's argument is to urge this Court to abandon principles it established in *Miller v. Johnson* and to ignore the carefully and deliberately limited language of *Hunt v. Cromartie*.

Chen suggests that the Court of Appeals failed to follow *Hunt v. Cromartie*,[10] which he reads as essentially prohibiting summary judgment in any *Shaw v. Reno*[11] claim. His reading of *Cromartie* is simply wrong, and his theory ignores the fundamental difference between plaintiffs' and defendants' burdens on summary judgment in *Shaw* claims. The Court in *Cromartie* was very careful to limit its discussion to the propriety of granting summary judgment for the plaintiff in a districting challenge. *Cromartie*, 526 U.S. at 553 and n.9 ("Summary judgment *in favor of the party with the burden of persuasion* . . . is inappropriate . . . ;" "That is not to say that summary judgment *in a plaintiff's favor* will never be appropriate . . . "; "summary judgment is rarely granted *in a plaintiff's favor* . . . in a racial gerrymandering case. . . . ") (emphasis added). Here, however, the summary judgment was granted for the defendant, i.e., the city; thus, *Cromartie* does not apply. Furthermore, the defendant's burden on summary judgment is significantly lighter than the plaintiff's burden. This Court has cautioned that

---

[10] 526 U.S. 541 (1999), *prob. juris noted after remand*, 68 U.S.L.W. 3783-84 (June 26, 2000).

[11] 509 U.S. 630 (1993).

redistricting must be recognized as a result of a "complex interplay of forces," that a redistricting plan must be accorded a "presumption of good faith," and that courts must proceed with "extraordinary caution in adjudicating [racial gerrymandering] claims." *Miller v. Johnson*, 515 U.S. 900, 916 (1995). "These principles inform the plaintiff's burden of proof at trial." *Id.* The Court has emphasized that courts must consider this heightened burden and the intrusive potential of judicial intervention into the legislative realm when considering defendant's motions for summary judgment in *Shaw v. Reno* claims. *Id.* at 916-17. To claim, as Chen does, that this Court has "in essence [called] for a full development of the evidence at a trial," Pet. 11, in all racial gerrymandering claims, thus preventing summary judgment for defendants, is to ignore or misread both *Miller* and *Cromartie*.

B. Chen is asking this Court to invoke its certiorari jurisdiction to analyze the record and determine if he presented sufficient facts to avoid summary judgment.

Although Chen engages in a brief discussion of the appropriateness of summary judgment in any *Shaw v. Reno* challenge, his basic argument is that the district court and the Fifth Circuit misread the facts and that they erred in concluding that he had failed to present a fact issue on the question of whether race was the predominant factor in the districting process. Chen introduced evidence that the council districts were not perfectly compact and that the city council and staff were aware of race and considered race when they were making redistricting decisions. What he did not present, though, is evidence

that tied these facts together to show that race was the *predominant* factor. As the Fifth Circuit said:

> On this record, we cannot say that plaintiffs have carried their burden and made a sufficient showing, either circumstantially or directly, to sustain a finding that race predominated in the districting. We stress that our decision here rests largely on the evidentiary shortcomings in the plaintiffs' case.

Pet. App. 37a-38a.

Here the Fifth Circuit and the district court exhaustively reviewed and analyzed the voluminous evidence that was offered to support or oppose the motion for summary judgment. Indeed, it takes almost fifty pages of the appendix to contain the two courts' detailed analysis of the record to see if Chen crossed the threshold necessary to avoid summary judgment. Chen disagrees with those courts' view of the record, and he asks this Court to draw a different conclusion from the facts. As Justice Holmes said, however, "[The Supreme Court does] not grant a certiorari to review evidence and discuss specific facts." *United States v. Johnston*, 268 U.S. 220, 227 (1925); *see also Southern Power Co. v. North Carolina Public Service Co.*, 263 U.S. 508, 509 (1924) (writ dismissed as improvidently granted since primary issue was whether the evidence was sufficient to establish dedication of property for public use). Although in a summary judgment the Court would not be reviewing a finding of fact, the basic issue presented in the petition is tied to determining the sufficiency of this particular set of complex and voluminous facts to meet the summary judgment threshold. That issue is of little, if any, importance to the

nation's jurisprudence and is not one that merits the exercise of this Court's certiorari jurisdiction.

II. The Court should not exercise its certiorari jurisdiction to address Chen's argument that the Constitution requires that children and non-citizens be excluded from the one person-one vote calculation.

Houston, like virtually all redistricting jurisdictions, uses total population as the standard by which it measures the size of districts. As a result, councilmembers represent roughly equal numbers of persons, but not necessarily equal numbers of voters or potential voters. Some people in a district are below the age of eighteen and too young to vote; some are non-citizens and thus ineligible to vote; some have felony convictions and are disqualified from voting. TEX. ELEC. CODE, § 11.002 (defining qualified voter).[12] In Houston, districts that are relatively equal in population are not nearly so balanced when the measure is adult citizens rather than total population. The problem is particularly evident when the council district is predominantly composed of Hispanics, since Hispanics in Houston – according to the 1990 Census – have both a lower median age and a lower percentage of citizens than the population as a whole. Chen contends that the Fourteenth Amendment's one

---

[12] In addition, Texas law defines "qualified voter" to exclude persons who have been "determined mentally incompetent by a final judgment of a court." TEX. ELEC. CODE § 11.002(3). Presumably the numbers in this category are insignificant when compared to the other three disqualified groups – i.e., children, non-citizens, and convicted felons.

person-one vote guarantee extends only to adult citizens and that this Court should find Houston's predominantly Hispanic council districts to be undersized, even though they contain roughly the same population as the districts populated predominantly by non-Hispanics.

A. This Court has previously determined that the decision to include or to exclude non-citizens when measuring equality of district size is a question that is appropriately left to the legislative body.

This Court rejected Chen's contention in *Burns v. Richardson*,[13] a case that, remarkably, is never discussed in the Petition other than to note in a parenthetical that it was cited by the Fifth Circuit. Pet., 22. In *Burns*, this Court said

> Neither in *Reynolds v. Sims* nor in any other decision has this Court suggested that the States are required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime in the apportionment base by which their legislators are distributed and against which compliance with the Equal Protection Clause is to be measured. The decision to include or exclude any such group involves choices about the nature of representation with which we have been shown no constitutionally founded reason to interfere.

Burns, 384 U.S. at 92 (footnote omitted). There is no reason for this Court to revisit its decision in *Burns*.

---

[13] 384 U.S. 73 (1966).

Nor, despite the Petition's claim to the contrary, is there any circuit conflict to resolve. Chen argues that there is a conflict between the Ninth Circuit, on the one hand, and the Fifth and Fourth Circuits, on the other, concerning the inclusion of children and non-citizens in the apportionment base. The Ninth Circuit seems to say that children and non-citizens *must* be included. *Garza v. County of Los Angeles*, 918 F.2d 763, 775 (9th Cir. 1990). The Fifth and Fourth Circuits conclude that children and non-citizens *may* be included. *Chen v. City of Houston*, 206 F.3d 502, 528 (5th Cir. 2000) (Pet. App. 51a); *Daly v. Hunt*, 93 F.3d 1212, 1227 (4th Cir. 1996). There is no conflict in results; at most, there is a conflict in reasoning. This case would be decided the same way under either approach.

B. Redefining the one person-one vote calculation to exclude children and non-citizens raises serious practical problems.

There are practical reasons not to use Chen's suggested citizen-voting-age-population (CVAP) as the measure of equality among districts. To do so would effect a sea change in redistricting law and would subject most representative districts in the United States – and certainly most predominantly Hispanic districts – to reexamination and possible invalidation.

If the Court granted the writ, any decision would likely come just as state legislatures and others are drawing new districts to reflect the population shown by the 2000 census. The basic census data necessary for redistricting (generally known as P.L. 94-171 data) are required to be reported to the states by April 1, 2001. *See* 13

U.S.C.A. § 141(c). In order to complete the process in time to adopt voting precincts, to permit candidate filing, and otherwise to satisfy the mechanical provisions necessary to conduct the 2002 elections, the redistricting process begins as soon as the P.L. 94-171 data are released in spring 2001. These data, however, do not include citizenship data, which are released about a year later. Bureau of the Census, Census 2000 Data Products at a Glance (Rev. 2-1-00) (showing planned release date of August-December 2002 for Summary File 3, which contains citizenship data). Thus, if CVAP is the standard, the information necessary to draw the districts will not be available until 2002, and the first post-redistricting congressional and legislative elections[14] presumably would take place in 2004, rather than 2002.

The P.L. 94-171 data come from the census "short form," which contains six questions relating to population and is distributed to about five out of six households in the United States. Census Bureau Form D-61A. The remaining one-sixth of the households receive the "long form," which has the six short form questions plus an additional 26 population questions. Census Bureau Form D-61B. All the data released by April 1, 2001 – i.e., the P.L. 94-171 data – come from questions that are presented to 100 percent of the population. The citizenship question, though, is on the long form and is, in contrast to the

[14] Houston city council elections occur in November of odd-numbered years. Its first post-redistricting elections are scheduled for November 2001, which is the earliest practical time in Texas for an election to be held using districts drawn on the basis of the 2000 census. Most elections, including congressional and legislative elections, will be held in 2002.

P.L. 94-171 data, sample data. While the Census Bureau uses scientific methods to expand the sample so that it presents a picture of the entire population, the citizenship and other sample data are reported for much larger geographic units than the 100 percent data generally used in redistricting.[15] While CVAP can be, and is, used in voting rights contexts, it cannot be easily used to draw districts because it is reported in too large a geographic unit and it is reported about a year later than the basic redistricting data.

Further, if children and non-citizens are to be removed from the redistricting base, logic would require that the third major group of persons disqualified from voting – i.e., persons who have been convicted of a felony – be removed as well. The census, however, does not include a question regarding prior conviction of a felony. Thus, there are serious practical problems, if not insurmountable barriers, to carrying Chen's position to its logical conclusion. This Court was correct in *Burns* to recognize that the legislative body should be given some

[15] The 100 percent population data are reported at the block level. The citizenship data are reported by block group. In 1990, the Census Bureau tabulated data for 7,020,924 census blocks and 229,466 block groups. Bureau of the Census, *Geographic Areas Reference Manual* at 11-1 (Nov. 1994). Thus, on average, block groups represent a cluster of slightly more than 30 census blocks. Blocks, which are the smallest unit of census geography, can be combined to form virtually any larger geographic unit, such as the election precincts used by the City of Houston as the basis for drawing its redistricting plan. Block groups, because of their larger size, are not so versatile and, for example, cannot be readily combined to coincide with voting precincts or other traditional political boundaries.

measure of discretion when it decides the precise contours of the apportionment base.

III. The underpopulation of predominantly minority districts within the range that has been recognized as *de minimis* does not present an issue that should invoke the exercise of this Court's certiorari jurisdiction.

This Court has recognized that a redistricting plan adopted by a state or local governmental body "should not be invalidated under the Equal Protection Clause when only minor population variations among districts are proved." *Gaffney v. Cummings*, 412 U.S. 735, 751 (1973). A deviation between the largest and smallest district of ten percent has been recognized as *de minimis*. *Brown v. Thompson*, 462 U.S. 835, 843-44 (1983). Chen asserts an Equal Protection claim when, in recognition that the census undercount disproportionately affected minorities, the city allegedly underpopulated predominantly minority districts, albeit within the ten percent *de minimis* limit. Even if the legal issue is one that this Court might believe should be addressed, it is not fully presented in this case.

A. Chen did not fully develop this issue in the district court.

This was not one of the prominent issues in the district court or the Fifth Circuit. Indeed, the Fifth Circuit disposes of it in a footnote with a reference to the "sparse record" and the failure of the plaintiffs to present sufficient facts to establish their claim. Pet. App. 40a, n. 15.

Further, the supposed deliberate underpopulation of minority districts would have occurred in 1991 or 1993.[16] The districts being challenged, however, were drawn in 1997. While the 1997 districts are derivative of the 1993 districts, the 1997 council districts do not exhibit the underpopulation levels of which Chen complains. In 1993, for example, the predominantly minority districts were the four smallest of the city's nine single-member districts. Doc. 61, p. 22. In 1997, however, the predominantly minority districts were the first, fifth, sixth, and ninth largest districts. Doc. 57, p. 379. While the smallest district was a predominantly minority district, so was the largest. The district with the median population was a predominantly minority district, as was the district immediately below the median. The predominantly minority districts were somewhat smaller than average in 1997, but a pattern of deliberate and extensive underpopulation did not exist. The facts relating to the 1997 districts do not present the issue Chen seeks to raise.

B. The issue of deliberately underpopulating predominantly minority districts to compensate for the census undercount is unlikely to occur in the future.

Underpopulation of predominantly minority districts was a common practice in the 1990's. It was well known

---

[16] In Chen's response to the city's motion for summary judgment on this point, he said "the notes of the 1991 City Council committee coupled with the deviations of the 1993 plan evidence an intent to purposefully underpopulated [*sic*] certain minority districts." Doc. 68, at 9.

that minority groups had substantially higher census undercount rates than the population as a whole. *See Department of Commerce v. United States House of Representatives*, 525 U.S. 316, 322-23 (1999). Accordingly, a slight underpopulation of predominantly minority districts was a way to recognize and account for the undercount. Following the 2000 census, though, different data will be available. The Census Bureau plans to release two sets of numbers – one an unadjusted headcount and the other a headcount that has been adjusted by use of statistical sampling to compensate for the undercount. Report of Tabulations of Population to States and Localities, 65 Fed. Reg. 38370, 38371 (June 20, 2000) (proposing a rule that would result in the release of two census counts – one that includes sample data and one that does not – by April 1, 2001, if either the Director of the Census or the Executive Steering Committee for A. C. E. Policy determined that a count produced with the use of sampling should be released); *see also* Pub. L. 105-119, 111 Stat. 2440, § 209(j) (requiring that census totals produced without the use of sampling be released). Presumably, any jurisdiction seeking to allow for the undercount after the 2000 census will have adjusted data to use.[17] Thus, the issues presented by Chen's argument are unlikely to recur and do not merit this Court's exercise of its certiorari jurisdiction.

---

[17] Even if a jurisdiction uses unadjusted data as the basis for its redistricting, it can measure its districts with adjusted data as well. For example, a prudent jurisdiction might draw districts with the goal of coming within an acceptable range of deviation no matter which data set is used.

CONCLUSION

For these reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

C. ROBERT HEATH
Counsel of Record
AMY WARR
STEVE BICKERSTAFF
BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P.
816 Congress Avenue, Suite 1700
Austin, Texas 78701-2443
(512) 472-8021
(512) 320-5638 [Fax]